

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014100634

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On October 15, 2014, Student filed a Due Process Hearing Request (complaint), naming Elk Grove Unified School District. On October 29, 2014, Student timely filed a Motion to Amend the Due Process Hearing Request (amended complaint). District filed a response on October 31, 2014. District does not oppose Student's motion, but requests OAH schedule a status conference within 14 days so that the parties can discuss agreeable dates for a due process hearing.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates. If the parties wish to continue the dates set in the scheduling order, the parties may discuss mutually agreeable dates and file a joint request for a continuance to agreed dates. OAH does not set status conferences for that purpose.

IT IS SO ORDERED.

DATE: November 4, 2014

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings